

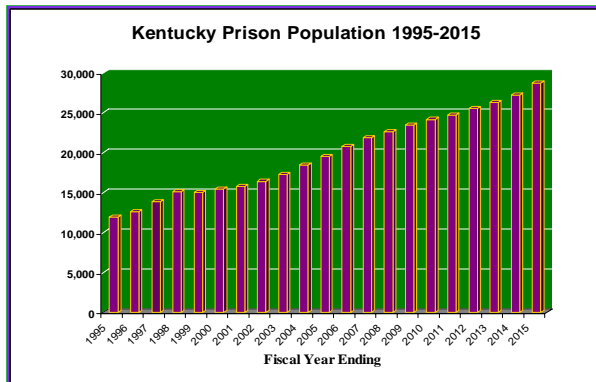
"[T]he State cannot pass penal statutes and create penalties that generate more prisoners than it is willing and prepared to provide for."

Campbell County v. Kentucky Corrections Cabinet, 762 S.W. 2d 6 (Ky. 1988)

While incarceration rates are increasing and prisons are overcrowded, DPA is realizing justice by creating communities of hope and justice and ending the revolving door to incarceration. This is a special report to inform you about important new findings and to provide viable solutions.

Incarceration Rates in Kentucky are Skyrocketing

- The US incarcerates 7 times as many people as in 1970 (110 out of 100,000 in 1970 compared to 726 out of 100,000 today.)
- KY prison population has risen from 12,000 in 1995 to 20,465 today.
- While the rate of incarceration is growing rapidly, Kentucky's crime rate is below the national average at 2783 per 100,000 (national rate is 3983 per 100,000).



- The incarceration projection for 2015 is close to 30,000 Kentucky men women, and children.

Kentucky Jails and Prisons are Overcrowded Making Rehabilitation Questionable

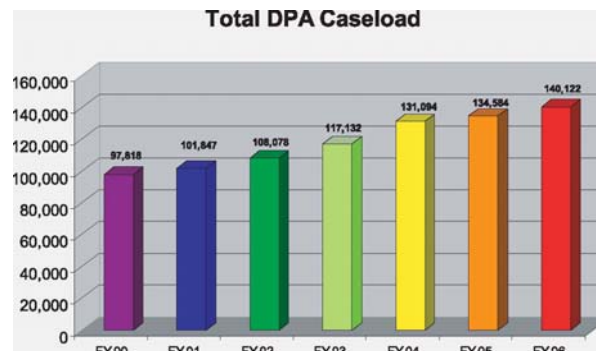
- The Irony: we use jails to house state inmates due to overcrowding of our prisons.

- In a recent visit, Professor Robert Lawson of the University of Kentucky found the following in two representative jails:

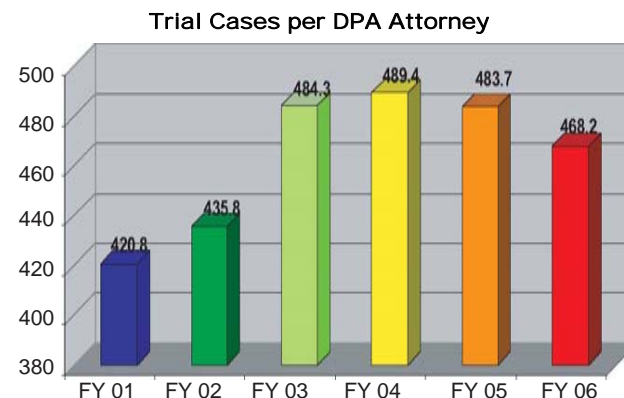
- Pike: 142 beds with 236 inmates, with 1/2 on the floor. 89 were state inmates.
- Pulaski: 169 beds with 250 inmates, with 142 state inmates. 16 women's beds with 35 inmates in 800 sq. ft of living space.

The Department of Public Advocacy's Caseloads Grew for a Seventh Consecutive Year

- Like the Department of Corrections, the Department of Public Advocacy provides a population driven service with no control over the number of cases assigned.
- DPA served 140,000 clients last year, a 4.3% growth and the highest number of cases in DPA history.



- DPA trial lawyers opened 468 new cases per lawyer in FY06, 25% of which were in circuit court. This represented a slight decline from FY05 as a result of the addition of 21 caseload reduction lawyers in the 2005 General Assembly.



Who is Kentucky incarcerating?

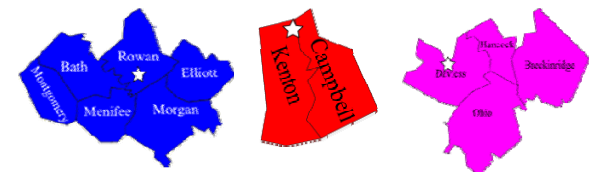
- 68% of jail inmates have substance abuse dependence prior to incarceration and less than 20% receive treatment.
- 56% of state prison inmates are mentally ill (Bureau of Justice Statistics) and 64% of jail inmates are mentally ill (BJS). Persons formerly treated in state mental hospital are now being warehoused in Kentucky's jails and prisons. In 1950, 560,000 persons were in US mental hospitals while today only 72,000 are treated there.
- 50% are functionally illiterate
- 1/2 of inmates have incomes under \$10,000
- 3-10% of jailed population has mental retardation

What is the Cost of Over-incarceration and Overcrowding to Kentucky Tax Payers?

- Kentucky is #2 in the nation at 28.5% in number of felons in jails. This results in Kentucky spending \$244 million for jails in 2005.
- Actual cost for Kentucky prisons has grown from \$7 million 1970 to \$397 million in 2007.

DPA Social Worker Pilot is One Solution to the Problem.

- The 2006 Kentucky General Assembly appropriated \$3 million to DPA for the first year of the biennium. The Department of Public Advocacy is using this primarily to mitigate burgeoning defender caseloads.
- DPA is beginning on October 1, 2006, a Social Worker Pilot Project as part of its budget.
- The Social Worker Pilot will place a social worker in the Morehead, Covington and Owensboro DPA field offices.



- Social workers will work with indigent clients upon arrest and until they are fully integrated and functioning in their community.
- Each social worker will work with those clients with mental illness, developmental disabilities, substance abuse and mental retardation, and find each client the individualized treatment they need in order to travel the road to recovery and rehabilitation.

Every day a Kentucky inmate is treated rather than imprisoned is a savings of \$47.12 per day for the Commonwealth. Everyday a Kentucky inmate is treated rather than jailed is a \$26.19 per day savings in jail costs. Colorado saved \$4.5 million from implementing a social worker pilot while Rhode Island realized an even more significant savings, \$15 million.

- DPA social workers will enable the attorneys in these offices to be more efficient.
- These social workers will also make a significant difference in the lives of persons charged with crime and their families. Social workers can be a resource that will allow persons charged with a crime to be treated for their substance abuse and mental illness, to make restitution to their victims, and eventually to be restored to their communities and families better able to live a crime-free life.
- DPA fully expects to demonstrate significant savings through the use of these social workers, and looks forward to demonstrating these savings to policy makers.